

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**In re:
THE TURKEY LEG HUT & COMPANY
LLC**

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§

**Case No. 24-31275-H3-11
(Chapter 11)**

AMENDED MOTION FOR RELIEF FROM THE STAY REGARDING NON-EXEMPT PROPERTY

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN OCTOBER 28, 2024, AND YOU MUST ATTEND THE HEARING.

THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN 7 DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON NOVEMBER 4, 2024, AT 1:30 P. M. IN COURTROOM 8B (8TH FLOOR) LOCATED AT 515 RUSK AVEUNUE, HOUSTON, TEXAS 77002.

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: **CNPH PROPERTIES, LLC** (hereinafter “Landlord” and/or “Lessor for the Leased Premises where the Property is located).
3. Movant, directly or as agent for the holder, holds a security interest in the collateral that is within the Leased Premises located at **4830 Almeda Road, Houston, Texas, Harris County, Texas 77004**, including without limitation all furniture and equipment typically used in a restaurant business such as coolers, tables, chairs, cooking utensils, flat ware, glass ware, dinner ware, serving utensils, pots, pans, and the usual kitchen and restaurant equipment (hereinafter “Property”).
4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is not claimed as exempt by the debtor.
5. Type of collateral: All personal business property, including all furniture and equipment typically used in a restaurant business such as coolers, tables, chairs, cooking utensils, flat ware, glass ware, dinner ware, serving utensils, pots, pans, and the usual kitchen and restaurant equipment within the Leased Premises located at 4830 Almeda Road, Houston, Texas, Harris County, Texas 77004 within the Leased Premises located at **4830 Almeda Road, Houston, Texas, Harris County, Texas 77004**.
6. Debtor’s scheduled value of property: **\$310,758.75**.
7. Movant’s estimated value of property: **\$300,000.00**.
8. Total amount owed to movant: **\$109,790.00**.
9. Estimated equity (paragraph 7 minus paragraph 8): **\$190,210.00**.
10. Total pre and post-petition arrearages: **\$56,120.00**.
11. Total post-petition arrearages: **\$44,450.00**.
12. Amount of unpaid, past due property taxes, if applicable: **NOT KNOWN**.
13. Expiration date on insurance policy, if applicable: **NOT KNOWN**.

14. X . Movant seeks relief based on the debtor(s)' failure to make payments. Debtor(s)' payment history is attached as exhibit "A." Movant represents that the attached payment history is a current payment history reflecting all payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment history is self-explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.

15. X . Movant seeks relief based on the debtor(s)' failure to provide a certificate of insurance reflecting insurance coverage as required under the debtor's pre-petition contracts.

16. If applicable: Name of Co-Debtor: NAKIA PRICE and STEVEN ROGERS.

17. Based on the foregoing, movant seeks termination of the automatic stay and the co-debtor stay, if applicable to allow movant to foreclose or repossess the debtor(s)' property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.

18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor(s)' counsel (or with Debtor(s), if *pro se*) either by telephone, by e-mail or by facsimile, by the following person on the following date and time: On Friday, August 9, 2024, at 10:57 A.M., I'd emailed to Debtor's attorney and the Subchapter V. On Monday, August 12, 2024, at 11:48 A.M., I called Debtor's attorney but was not able to reach an agreement. At 230 P.M. on September 10, 2024, I emailed Subchapter V Trustee, Brendon D. Singh. An agreement could not be reached. If requested by debtor or debtor's counsel, a payment history in the form attached to this motion was provided at least two days, excluding intermediate weekends and holidays, before this motion was filed.

Date: October 11, 2024

/s/ Kevin H. Pham

Kevin H. Pham

State Bar No.: 00791438

S.D. Tex. Bar No.: _____

Address: 10260 Westheimer Road, Suite 207

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Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on October 11, 2024, by prepaid United States first class mail. Movant certifies that Movant has complied with Bankruptcy Local Rule 4001.

/s/ Kevin H. Pham

Movant's Counsel

CASE NO 24-31275
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HARRIS COUNTY
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SMALL BUSINESS ADMINISTRATION
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EXHIBIT 1

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